

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, October 17, 2006
Time: 7:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 7:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano and Polanski

ABSENT: Councilmember Livengood

PLEDGE

Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance.

INVOCATION

Mayor Esteves offered a prayer for all gathered.

MINUTES

MOTION: approve minutes of the October 3 City Council meeting and minutes of the Public Financing Authority meeting of October 3, 2006

Motion/Second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

SCHEDULE OF MEETINGS

MOTION: to approve the Schedule of Meetings, as amended

Councilmember Giordano noted that the City Council's City Attorney Subcommittee meeting scheduled on Friday, October 13 was canceled.

Motion/Second: Councilmember Polanski/Councilmember Giordano

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

PRESENTATION

Mayor Esteves presented a Commendation to Girl Scout Nicole Nguyen, who was awarded the Girl Scouts of America "Gold Award." She graciously accepted the commendation and thanked her family and friends who helped her accomplish her goal. The Mayor recognized and thanked her parents, also.

PUBLIC FORUM

Frank DeSmidt, of the Milpitas Chamber of Commerce, invited everyone to the "Candidates Forum" event on Thursday, October 19 at 7:00 PM, which was to be live broadcast and webcast.

ANNOUNCEMENTS

Vice Mayor Gomez announced as part of the Safe Streets program, on Halloween evening, glow sticks would be distributed to Milpitas children for trick-or-treating safely in the City.

Mayor Esteves noted the new Milpitas business offices of Dr. Pham and Dr. Liu. He thanked staff Diana Whitecar and the Economic Development Commission, for the recent City-sponsored Small Business workshop and fair. Varied resources were available to help small businesses get started and grow in Milpitas.

Transportation Engineer Jaime Rodriguez announced the installation of two new blue-lighted LED street signs - seen at the intersection of Milpitas and Calaveras Boulevards. These styles are on display, and residents can vote their choice by going to the City's website. Upon review of community responses, new signs will be installed on Abel St. as part of downtown renewal.

Mr. Rodriguez also noted that the U.S. Environmental Protection Agency honored the City of Milpitas as one of the "Best Workplaces for Commuters." The recognition was a national award given to the City, and he highlighted some program successes in our City.

City Clerk Mary Lavelle announced the deadline to register to vote for the November 7 election was Monday, October 23.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Polanski/Vice Mayor Gomez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted by an *asterisk), as amended

Vice Mayor Gomez asked to place Item No. 3 on the consent calendar.

Councilmember Giordano asked to remove Item No. 4 for discussion.

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

*** 2. Approve Mayor's
Recommendations for
Commission Re-appointments**

Approved the following appointments and re-appointments of Commissioners:

Arts Commission

Re-appointed Donine Ettinger to a 3-year term that expires October 2009.

Re-appointed Harriett McGuire to a 3-year term that expires October 2009.

Community Advisory Commission

Appointed Nelson Villegas as a voting member, to a term that expires January 2007.

Recycling and Source Reduction Advisory Commission

Re-appointed John Cimino as Alternate No. 2 to a term that expires October 2008.

Telecommunications Commission

Appointed Syed Bilgrami to a voting member vacancy, to a term that expires Jan. 2008.

Appointed Roger Shaw as Alternate No. 1 to a term that expires January 2007.

Appointed Hai Tran to Alternate No. 2 to a term that expires January 2008.

*** 3. 2006-2007 Special Events
Calendar and July 4th Update**

Approved the 2006-2007 City of Milpitas Special Events Calendar and received update on the Fourth of July activities.

*** 5. Youth Sports Assistance
Fund Grant**

Approved one Organizational Youth Sports Grant for the Milpitas National Little League South for \$1,000, leaving a balance of \$2,000 for the remainder of the fiscal year.

- * **7.** Adopt Ordinance No. 41.11
1. Waived the second reading.
 2. Adopted Ordinance No. 41.11, an Ordinance of the City Council of the City of Milpitas amending Milpitas Municipal Code Sections I-500-1.01 and 1.05. regarding the appointment of Planning Commissioners.
- * **8.** Acceptance of Certain Public Improvements for Parc Metropolitan, Project No. 3061
- Adopted City Council Resolution No. 7633 granting:
- 1) Final acceptance of Curtis Avenue Public improvement as well as West and Middle Parks.
 - 2) Initial Acceptance of East Park and on-site public water and sewer facilities subject to the one-year warranty period.
 - 2) Reduction of Faithful Performance Bond to \$193,475.
 - 3) Release of Labor and Material Bond, if no claims are filed with the City Clerk's office after six months of this initial acceptance.
- * **9.** Waiver of Solid Waste Service for Specified Spring Valley Heights Addresses
- Adopted City Council Resolution No. 7634 granting a waiver of solid waste service for eight specified Spring Valley Heights addresses, subject to the City Attorney's approval as to form. Waivers would be accomplished via Memorandums of Understanding, approved by this action as well.
- * **10.** Approve contract with Magic Wave Productions for Community TV Studio
- Approved contract with Magic Wave Productions for the installation and integration of equipment for the Milpitas Community Television Studio, Project No. 3398, subject to approval as to form by the City Attorney.
- * **11.** Purchase of Four Police Vehicles from S & C Ford
- Awarded the bid for four 2007 Crown Victoria Police Interceptor vehicles to S&C Ford Fleet Sales in the amount of \$109,456.56 including tax, extended warranty, freight and tire fees.
- * **12.** Truck Vehicle Purchase from S & C Ford
- Awarded bid for one 2007 Ford F-250 pick up truck to S& C Ford Fleet Sales in the amount of \$21,767 including lift gate, sales tax and extended warranty.
- * **13.** Reprographic Services for the New Library
- Awarded bid for Reprographic Services to San Jose Blue and authorized the City Manager to sign a contract for the not to exceed amount of \$27,010.51, including tax, shipping and handling, subject to approval by the City Attorney.

PUBLIC HEARING

- 1.** Appeal of Planning Commission Decision to Deny Use Permit for Dance Floor
- Planner Cindy Hom reviewed the history of King Crab restaurant's application for a dance floor, where the hearing was continued from the August 15 Council meeting. A resolution of parking issues was necessary before the matter of the dance floor permit returned to Council. No changes to the number of seats or modification to the site, other than adding a dance floor, were under consideration.
- After meeting with staff, restaurant owner and architect, and adjacent businesses, the parking challenges were met. The restaurant would be required to hire a parking attendant during the busy lunchtime hours.
- Mayor Esteves opened the hearing for public comments; none heard.
- (1) Motion: to close the public hearing
- Motion/Second: Councilmember Giordano/Vice Mayor Gomez
- Motion carried by a vote of:
- AYES: 4
NOES: 0
ABSENT: 1 (Livengood)
- Councilmember Polanski thanked the planning staff for expediting this issue, for working with the owner and the other shopping center tenants, and for creatively finding

a solution for King Crab and their customers. Vice Mayor Gomez wanted to echo Ms. Polanski's comments.

(2) Motion: to accept the appeal of the applicant, and approve Use Permit Amendment No. UA 2006-6, based on the findings and special conditions, including the parking attendant requirement during lunch time hours

Motion/Second: Vice Mayo Gomez/Councilmember Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA 1. CALL TO ORDER Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 7:20 PM.

RA 2. ROLL CALL **PRESENT:** Mayor/Chair Esteves, Vice Mayor/Vice Chair Gomez and Agency/Councilmembers Giordano and Polanski

ABSENT: Agency/Councilmember Livengood

RA 3. MEETING MINUTES Motion: approve the Redevelopment Agency minutes of October 3, 2006, including joint meeting with the City Council, as submitted.

Motion/Second: Agency/Councilmember Polanski/ Agency/Councilmember Giordano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

RA 4. Approval of Agenda and Consent Calendar Motion: approve the agenda and RDA consent calendar, as amended

Staff requested to remove Item RA 5, as no appeals were filed.

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

RA 5. Hear Any Appeal of Milpitas Library Bidders List Item removed from the agenda (no appeals of the Bidders List for Project No. 8162 received).

*** RA 6. Report to Council/ Agency on proposed merger** Approved the Report to the City Council for the proposed merger of Redevelopment Project Area No. 1 and the Great Mall Project Area, and scheduled the joint City Council/Redevelopment Agency Public Hearing on Nov. 21, by the following actions:

1) Adopted Redevelopment Agency Resolution No. RA 270 to approve the Report to the City Council on the proposed Amendments for the proposed merger of Project Area No. 1 and the Great Mall Project Area, submit the Report to the City Council and request a Joint Public Hearing on the Amendments at the November 21st Council/Agency meeting.

2) Adopted City Council Resolution No. 7632 to receive the Report to the City Council on the proposed Amendments and consent to a Joint Public Hearing on the proposed Amendments on November 21, 2006.

*** RA 7.** Resolution Authorizing the Housing Set-Aside Funds for Land Acquisition

Adopted Resolution No. RA 271 of the Redevelopment Agency of the City of Milpitas authorizing the use of Low-and Moderate-Income Housing Set-Aside Funds for Land Acquisition.

*** RA 8.** Resolution Granting Initial Acceptance of N. Main Street Soil Remediation

Adopted Resolution No. RA 272 of the Redevelopment Agency of the City of Milpitas granting initial acceptance of Project No. 8154, subject to the one-year warranty period and reduction of the faithful performance bond to \$20,755.00.

*** RA 9.** Resolution Granting Initial Acceptance of Police Evidence Freezer

Adopted Resolution No. RA 273 of the Redevelopment Agency of the City of Milpitas granting initial acceptance of Project No. 8159, subject to the one-year warranty period and reduction of the faithful performance bond to \$10,197.20.

RA 10. ADJOURNMENT

Mayor/Chair Esteves adjourned the Redevelopment meeting at 7:21 PM.

REPORT OF OFFICER

Approved on Consent Calendar.

NEW BUSINESS

4. Event Proposal for 2007 Commissioners' Recognition

This item was removed from the consent calendar for discussion.

Recreation Services Manager Bonnie Greiner reminded the Council (as noted in the agenda report) that beyond the planned Commissioners event, the option to present a small gift to Commissioners, was suggested. It would involve additional cost to purchase a logo-type item, and it would add approximately \$1,000 to the event.

Councilmember Giordano enjoyed the dinner social event in the past, but was ok with trying the event suggested by staff. She wanted to add to the motion the funds for a gift item for Commissioners.

Staff recommendation was to approve Option A: hold the event on a non-City Council meeting night Wednesday, April 18, 2007 with appetizers and a soda bar at the City Hall lobby/rotunda, for the 2007 Commissioners' Recognition Event. It would address City Council concerns allowing more time for Commissioners to be individually recognized and for the City Council to be able to socialize with their Commissioners after the main presentation.

Motion: Approve the Commissioners Recognition event (separate from City Council meeting at City Hall rotunda) and include a small gift item

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

ORDINANCES

6. Ordinance No. 196.8 regarding prohibition on the amplification of sound at Gill Park

City Attorney Steve Mattas provided the history for the ordinance regarding the request from Council to make a "no exception" policy for amplified sound solely at Gill Park.

Mayor Esteves asked for comments from audience, none were heard.

Councilmember Polanski thanked the City Attorney for acting so quickly.

Mr. Mattas described when it would go into effect, following the second reading anticipated at the next City Council meeting, and then it would go into effect 30 days after that action.

Motion: waive the first reading beyond the title of Ordinance No. 196.8 and introduce the Ordinance

City Attorney Mattas read aloud the title of Ordinance No. 196.8 "An Ordinance of the City Council of the City of Milpitas Amending Milpitas Municipal Code Section V-9-4.05 Regarding Amplified Noise in Gill Park."

Motion/Second: Councilmember Polanski/Vice Mayor Gomez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

RESOLUTIONS

Two resolutions were adopted on the Consent Calendar.

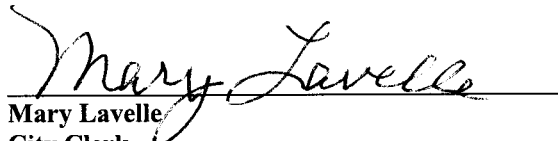
BIDS AND CONTRACTS

Four items were adopted on the Consent Calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 7:28 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on November 7, 2006.



Mary Lavelle
City Clerk